

Village of Arcanum Council Meeting
Tuesday, September 12, 2017
7:00 PM

Mayor Judith Foureman opened the meeting by asking everyone to join her in the Pledge to the Flag, with the Mayor concluding "In God We Trust".

Council members Vanessa Delk, Monte Clark, Greg Baumle, and Bonnie Millard answered roll call. Mayor Foureman asked for a motion to excuse Van Hoose and Boolman. Delk made a motion to excuse Eric Van Hoose and Jerry Boolman, Millard seconded. All present voted yea. Motion passed. Also present were Village Administrator Bill Kessler, Fiscal Officer Darcy Woodall, Solicitor Nicole Pohlman, Mike Bruns from Mote & Associates, Erik Martin from the Daily Advocate, and Village employees Randy Baker, Austen Frech, Devin Marker, Doug Jackson, Gary Besecker, Devin Fourman, Keir Smith, Shawn Smith, Nola Ditmars, Angie Lear, Jeanette McFarland, and Mark Poston.

Council Minutes: Mayor Foureman asked for approval of the minutes of August 29, 2017. A motion was made by Millard to approve the minutes of the August 29, 2017 Council meeting. Baumle seconded. Clark, Baumle, and Millard voted yea. Delk abstained. Motion passed.

Expenditures: Mayor Foureman asked for a motion to approve the properly appropriated and funded expenditures. A motion was made by Millard to pay the properly appropriated and funded expenditures. Baumle seconded. All present voted yea. Motion passed.

Amendments to the Agenda:

Comments from the Public: Keir Smith speaking on behalf of the Village employees concerning possible changes to the personnel manual:

- **Sick Leave/Retirement Payout of Unused Sick Time** – accumulation and carryover – question is what are those changes and why are those changes necessary – Mayor Foureman explained that all questions could be addressed to Vanessa Delk, Chairperson of the Personnel Committee – Delk started by explaining that she was not in attendance at the last council meeting – she then read from the minutes of the previous council meeting part of what had been reported by Millard (in Delk's absence) for Personnel – "there would be no employee involvement and they will get what they get" – Delk clarified that is NOT how this was discussed in committee – she expressed that employee input is needed and important because in some cases there may be logistical things, for example, that the committee and council does not understand simply because they are not in here every day doing each job – Delk also explained that the original completion date of October 1st was no longer realistic – the committee still needs to meet at least one more time and then there will be council work sessions beyond that – at this point, none of the proposed changes are set in stone – Keir then came back to his original question as to why the changes are needed – Delk stated that many of the changes came from Clemans & Nelson, which is the consulting firm the Village contracted to help review and revise the current manual – the committee also reached out to surrounding areas to see what their policies are for certain areas and benefits – Keir then explained that prior to the current version of the manual, the Village employees could earn personal days based on reaching different levels of sick hours not used (as an incentive to not use sick hours) – this benefit went away with the 2012 manual, which is the one currently being revised, and now there is talk in the new manual of not paying out unused sick time up to a certain amount at retirement, and also not offering it as a benefit to new hires coming in at all even if it is kept in the manual for current employees – Keir explained this is discouraging for current employees, but it is also discouraging when trying to hire new employees because before, even though the pay per hour was not really competitive with surrounding areas, the Village was offering better benefits, so someone would still consider coming to work here because the benefits were worth the cut in pay – now, however, the pay isn't going up AND benefits are going down – Delk reiterated that all employees are welcome to attend the council work sessions and provide input and also that nothing that is being discussed pertaining to changes in the manual is a secret
- Randy Baker spoke up at this point to say that in the past changes or updates to the manual have been made without employees being informed – Delk stated that she is comfortable sharing any drafts, revisions, or changes with employees before anything is finalized
- Mayor Foureman asked Keir to continue through the list of concerns so that council and the committee could make note of some of the specific concerns for their next meeting
- Keir pointed out that he understands that with the rising costs of health insurance, changes to the amount the Village can or will pay is going to change – however, the discouraging part comes when, in his case and many others, an employee has worked here for 20 to 30 years and gradually seen the other benefits that the Village has a choice to keep giving or take away keep going down and down and down – for example, unused sick time at retirement has went from 100% payout to 75% to 50% and currently stands at 25% of a maximum of 120 days, which is 240 hours compared to getting paid for 1200 hours previously – again, the Village has CHOSEN to not continue these benefits, they didn't HAVE to stop these benefits – Keir then explained that as employees, they do many things in a day at their job that they don't HAVE to do, but they CHOOSE to do, even though it makes their job harder – this helps keep the

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- morale level where it needs to be with his employees because as an employer when you do good things for your employees and treat them well, the employees will return that the employer 10 times over because they feel appreciated and valued – however, because everyone is human when benefits and perks start getting taken away, morale goes down and so does productivity and quality of work – Keir mentioned that he's heard the comment made many times "Well that's why they get a pay check" – his response to that is "that's not how we work" – many of the employees live here and have for most of their life, plus when they are out in community working, they want residents to know that they are working hard, they know what they are doing, and they are doing the best job for the people who live here
- Keir feels that the tone of many of the policies seems to be pretty harsh (i.e. an employee can be terminated for wearing the wrong tshirt) – he understands there needs to be rules and they need to be followed, but he feels that if a situation arises with an employee that is continuously a problem with that employee, it needs to be addressed with that employee – it shouldn't be a one and done for every person – that seems too extreme
- **Personal Vehicle Use for Village Business/Liability/Insurance** – Nola Ditmars spoke on this subject – the staff in the office uses their personal vehicles to go to the bank, trainings, court, etc. – in talking with the Village's insurance provider, if one of us were to get into an accident in our personal vehicle while conducting Village business, the Village's insurance would not cover the claim – we would be responsible for paying our own deductible, medical, etc. – if the other driver was responsible, their insurance would cover, but if they were not insured or underinsured, it would fall back to our personal insurance and again, the Village insurance would not cover – this is not something that can be added to the Village's policy – this is a concern that the office girls would like to be addressed
- **Cell Phones** – Keir explained that from the service side of things, the benefit of them having the Village provided phone is that they have that phone 24/7 and can be reached on it – they are on call 24/7 because anything can happen at any time in electric or water/wastewater – Keir personally does not want to carry two phones (not because he doesn't want to have a phone bill either) – but in the service industry, it just doesn't make sense to carry two phones based on how they currently operate and how they expect the employees to be on call 24/7
- **Dress & Appearance** – needs further discussion
- **Concern about certain termination language** – Darcy spoke about this explaining that many areas that previously stated "up to and including termination" were changed to "will be terminated" – Delk explained that was boiler plate language from Clemans & Nelson, but she also added that maybe there needs to be room to wiggle – Darcy added that in many cases it's not cut and dry, but when the manual reads "will be terminated", there is nowhere else to go with that, so it definitely needs to be looked at further
- Baumle spoke at this point and expressed that he felt there was a failure at the committee level to involve employees in this process – he voiced this concern at the last council meeting – he believes the discussion happening right now is why the employees should be involved – he understands the value of having all the employees here and cost to the Village if there were to be a mass exodus of employees leaving – Baumle has spent a few hours himself already going through the current revisions, and he knows there are obvious problems – this process cannot go forward as it has been without some changes to the current process and all the concerns of the employees are most certainly being taken into account – Baumle has many concerns of his own
- Millard asked to clarify that the unused sick time payout at retirement is still being discussed, and no one that is currently here would be exempt from receiving it – only those hired after September 1, 2017 – but as Keir reminded her, it is still discouraging because the Village only wants to pay \$14/hour for a \$20/hour job, and oh by the way, we are taking away more benefits too – point being, if you don't have the wages, you have to have the benefits and if you don't have the benefits, you have to have the wages to draw people here to want to work – he knows it's been said that there are plenty of people out there who need jobs, but the fact of the matter is, you get what you pay for – just because someone needs a job doesn't mean you want them coming to work for you – if someone is willing to take a \$14/hour job with not so great benefits, what kind of worker are you really getting? – those aren't the people you want to work for you – Keir gave this example – if you have 50 employees, and 5-7 aren't the best, you don't really notice, but you only have 12 employees and half of them aren't worth much, you can't afford that – so the smaller the number of employees, the higher the morale needs to be and tighter you need to hold on to the good employees that you have because they aren't as replaceable as you might think with what the Village is willing to pay in wages and benefits
- Delk stated that the Clemans & Nelson representative will be at the next Personnel meeting.

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- Randy asked when the manual was last updated – Delk answered 2012 and that it was done in house and not in conjunction with a consulting firm – he also asked about what she read from the minutes concerning “they get what they get” – Delk said she was not at the meeting that was reported at – Millard jumped in and said that was said by Wendy from Clemans & Nelson because Council is legislative – Delk stated again, that is not her personal feeling – Millard then said the question was asked by someone in the office if employees would have a chance to review the manual, and when Wendy was here, Millard asked her about it – Wendy said it is not typical and because Council legislates, the employees get whatever Council passes
- Millard also added that Wendy said the manual has to be according to the Ohio Revised Code – the Village cannot do anything less than ORC, but they can choose to do over and above
- Nola asked how much money the Village has paid to Clemans & Nelson since this process started over a year ago – her feeling is that the money could have been better spent giving raises to the employees – Delk deferred to Woodall, the Fiscal Officer for that information - \$87.50/month (retainer, been paying for over a year), \$4600 (initial contract), \$3000 (recent revisions/updates), summary \$540 (minimum), orientation for employees \$540 (minimum) – grand total - \$8680 (does not include monthly retainer and any future costs – have not received August bill yet)
- Mayor Foureman said that she would, as administration, sit down with the Personnel Chairman, who is legislative, before the next personnel meeting to discuss some of these concerns – the Mayor also thanked Keir and the other employees for coming to the meeting to express their concerns

Mike Bruns from Mote & Associates:

- **WWTP** – temporary power is in place and up and running
- Dewatering the site and will begin working on the lab building shortly
- Susan will set up a meeting with Darcy to go over the pay request process before the first meeting with Ashley Kelly on September 26th
- Requesting a Utility Meeting be scheduled to discuss pay requests, contracts, reimbursements, etc. to make sure everyone starts off on the right foot – since Boolman is not present, the Mayor will have Bill reach out to Jerry to schedule a meeting

Nicole Pohlman:

- **Mosquitos in Ivester Park** – she knows the Village decided not to spray this year - with little kids, her family tries to use the park as much as possible, but this year has been absolutely terrible because of the mosquitos – she said one night, it was so bad, they each had about 10 bites on their face within a few minutes – Delk added that she hasn't been able to take her kids there either – Pohlman went on to say that there is no one back in the park in the evenings, and it's too bad because the Village invested money into all the new playground equipment and it's not being used – Bill said that the Village has traps in the park that are being monitored by the Health Department, and so far he is not getting any reports showing that we are trapping any mosquitos back there – he will contact the intern at the Health Department that is monitoring the traps

Administrative Reports:

Mayor: Nothing at this time.

Solicitor: Nothing at this time.

Village Administrator: Bill Kessler reported on the following:

- **Carwash** – Bill went to the County to look at the mapping on the easement – the County mapping is different than the pictometry – Bill was told to go by the pictometry because it is more up-to-date – next step is to get the property surveyed and then assign a value to the part that the Village is selling to Hinshaw
- **Street Sweeper** – Noblesville sold the one that Bill was looking at
- **Smoke Test** – Bill learned a lot today – quite a few items around town that need to be addressed – quite a few broken cleanouts and quite a few downspouts that have smoke coming up them – has about 35 sheets filled out with problems – utility will go through and replace all the caps that need to be replaced – the rest will be turned over to Bill and he will deal with the residents as far as what work needs to be to correct the problem they have

Fiscal Officer: Nothing at this time.

Committee Reports:

Service & Leisure Committee: Meeting was held on Monday, September 11, 2017 at 5PM in Council Chambers. Committee members present were Eric Van Hoose, Bonnie Millard, and Monte Clark. Also present was Village Administrator Bill Kessler. Millard reported on the following:

- **Street Resurfacing** – still waiting on the letter from the school for payment of their portion of Weisenbarger Court (Darcy reported that she spoke with the Superintendent, and he will forward her the minutes from the next board meeting stating the motion is

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- approved for the school to reimburse the Village their portion of Weisenbarger Court) – paving and crack seal is done – waiting to hear back on a start date for reclamite
- **Street Sweeper** – Bill is checking if the Village can use any funds out of the State Highway Fund to purchase the street sweeper – UPDATE – scratch since it sold
 - **Curb/Sidewalk Project** – Public meeting September 27th at 7PM at the Field House
 - **Pool** – waiting for August fund reports
 - Mayor Foureman asked how it was determined what streets were resurfaced – Millard responded that the committee started with the 2010 long term plan prepared by Mote & Associates – then Bill and Monte walked the streets together – Bill also walked around with Wagner Paving and then with Walls Brothers – then committee looked at money that the Village had to spend – got numbers initially from Walls and Wagner – Monte had also asked Bill to specifically look at East, West First, East First, West Second, East Second, and South High around Blank – both Wagner and Walls looked at South High and Blank as total reconstruction – they looked at West First and West Second as maintainable – East and East First need total reconstruction – the streets that were resurfaced were also on the list, and with the funds that were available, the committee felt resurfacing those streets was the best use of the funds – the Mayor asked where Maple and Parkdale come into the picture – Bill answered that Maple and the north part of North Main because of a large repair needed on Maple and a big dip on the north part of North Main that was a result of adding new streets in the North End – the response for Parkdale was that it was the oldest street in the new section of the North End – the Mayor asked if it was bad – Bill and Millard both answered yes because there was a lot of crack seal breaking up – Millard went on to say that in previous years the rest of the streets in the North End had been done, starting with the first street coming out of Ivester Park and going forward and Parkdale hadn't been done yet – Mayor Foureman then said her reason for asking was because a gentleman came to her and said he was told that the streets to be resurfaced was determined by a plan that was done by Mote & Associates years ago – the Mayor went through Mote's plan, and there is nothing in there that mentions Parkdale needing to be resurfaced, so that is the complaint – then the Mayor asked if it was a total committee decision to which the answer was yes – the recommendation was brought to council and council approved it

Next meeting is Thursday, September 21, 2017 at 5PM in Council Chambers.

Safety Committee: Nothing at this time. Meeting scheduled for Thursday, September 21, 2017 at 2:15PM in Council Chambers.

Utility Committee: Meeting was held on Tuesday, September 5, 2017 at 4:30PM at the VA Office. Committee members present were Jerry Boolman and Greg Baumle. Also present was Village Administrator Bill Kessler, Utilities Superintendent Keir Smith, and Plant Operator Shawn Smith. Baumle and Kessler reported on the following:

Water & Sewer Plant Updates

- Roof has been completed at the water plant
- Well issue – Moody's in to run pump test on 9/14 for issues with pump motor
- Artesian in this week to repair issue with filter 4 – working with them to schedule media check soon to inspect bridging – the Mayor asked Woodall to make note of this for 2018 budget considerations
- The east salt brine tank will need cleaned and repaired in 2018 as it has been 5 years since last inspection – approximate cost will be \$5K – the Mayor asked Woodall to make note of this for 2018 budget considerations
- Reminder that smoke testing will be 9/12 with a rain date of 9/13
- Sewer plant construction is making good progress on the foundation for the building – temporary power has been installed for construction

Utility Updates

- Power lines have been removed from the Dull Road wells being decommissioned
- Valve exercising going well – replacements being identified for future work
- Several hydrants have been identified as leaking and will be repaired soon
- Aqualine will be in to inspect for leaks
- Top Cut Tree Service will be used for in town line trimming
- One Call is being requested as a utility enhancement for the Village to notify Village residents of utility issues – cost is \$3700 per year for unlimited use (as of last quote) – Baumle added that someone at the EMA is still looking into grants to see if the Village can receive it for free - the Mayor asked Woodall to make note of this for 2018 budget considerations

Improved vs. Unimproved Lots for Sewer Reduction

- After discussion, Bill will find out what other villages do if service is discontinued due to house torn down, trailer moved, etc. to see if they continue to bill the minimum charges to the landowner
- If a lot had utilities at one time, and the lot is empty and no usage, can there be a lower minimum charge just to satisfy the debt reduction charges? – open for discussion
- Bill to obtain a list of all lots that were tapped in for the next meeting – will work on a fair monthly charge for those lots and what will be a fair tap in fee for new construction to recoup some of the debt reduction in the future but won't discourage new builds

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Planning Committee: Meeting was held on Tuesday, September 5, 2017 at 5:30PM in Council Chambers. Committee members present were Greg Baumle, Jerry Boolman and Vanessa Delk. Also present was Mayor Judith Foureman, Village Administrator Bill Kessler, and resident Dave Kessler. Baumle reported on the following:

Reviewed Previous Meeting Minutes

Zoning:

➤ **Old Business**

- **Utility Trailer Ordinance – Zoning 1167.22**
 - Per Mayor Foureman – currently in Zoning & Appeals Board – awaiting a meeting by the Board
- **Becker House Update – Kessler Update**
 - Per Bill Kessler – currently in the Prosecutor's Office
- **Zoning Code – 1 Shed/Outbuilding per lot**
 - Discussion around goals and objectives
 - Kessler and Baumle are going to research how other municipalities are handling this issue – report to be given at next meeting
- **Semi-Trailer overnight storage – Kessler Update**
 - Per Mayor Foureman – drivers/companies must get Mayor approval for overnight parking on city property (i.e. the ballpark, etc.)

➤ **New Business**

- **Ordinance No. 2017-46 – Ordinance Prohibiting the Keeping of Farm Animals within the Village of Arcanum**
 - Discussion around potential changes or modifications to the ord.
 - Per Mayor Foureman – existing farm animals in the Village will have 45 days to remove their farm animals when/if this Ordinance is approved by Council
- **Renewed Discussion on the best way to evaluate and report violations**
 - Kessler to do weekly Village scans, police dept. training, etc.
 - Per Bill Kessler – zoning violations are currently split between the Mayor/VA and PD depending on the nature of the violation (i.e. Loud Music & Barking Dogs = PD – General Trash/Debris, Housing Issues, etc. = Mayor/VA)

Planning:

➤ **Old Business**

▪ **Economic Development**

- **Relationship with Arcanum CIC – Need for joint meeting with CIC?**
– A joint meeting with the CIC and the Planning Committee will be scheduled in the near future
- **New/Expanded Businesses (i.e. Car Wash, Laundry Mat, Nursing Home/Assisted Living, Child Care Facility) – to be discussed at joint CIC and Planning Committee meeting**
- **Arcanum Business Park – to be discussed at joint CIC and Planning Committee meeting**
- **Filling Empty Businesses – to be discussed at joint CIC and Planning Committee meeting**

▪ **Income Tax Evaluation**

- **Offering Income Tax Credit for Village residents who are already paying income tax to other municipalities – Ditmars provided update – Baumle read email from Ditmars – this issue will be tabled until early 2018**

▪ **Brainstorming for 180-day plan for Arcanum Municipal Center & Police Headquarters**

- **Existing building vs. building new facility vs. relocation into an existing building**
- **Potential grant possibilities for renovations of historic building – Brumbaugh Construction or other contractors for direction?**
- **Firm dates for developed goals and objectives**
 - ❖ Committee will be formed by Baumle and Dave Kessler – committee size will be 5-6 members consisting of Baumle, Dave Kessler, local contractors, and constituents

➤ **New Business – None**

Next meeting is Thursday, September 28, 2017 at 12PM in Council Chambers. This meeting will be a joint meeting with the Arcanum CIC.

Personnel Committee: Nothing at this time. Meeting scheduled for Tuesday, September 19, 2017 at 6PM in Council Chambers. Wendy from Clemans & Nelson confirmed she will be there.

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Finance & Audit Committee: Meeting was held on Monday, September 6, 2017 at 4:30PM in Council Chambers. Committee members present were Bonnie Millard, Jerry Boolman, and Eric Van Hoose. Also present was Fiscal Officer Darcy Woodall and Village Administrator Bill Kessler. Millard reported on the following:

- 2018 Preliminary Budget Review
 - Some questions about revenue and expense funds – Ithaca has only paid \$500 toward their \$2K fire contract for 2017 – Darcy will follow up with Kurt – Employer share of pension for police – Darcy to follow up – Darcy will work with Susan from Mote on fund distribution for WWTP since new funds are being established pertaining to debt repayment
 - Discussed police wages including overtime – over budget? – will review OT closer at next meeting with more detail provided on who is getting OT and why – also if staggered hours are worked to provide a ½ hour overlap between shifts – used to be this way and want to know if that practice exists today – at this point the Mayor suggested this subject be discussed in a safety meeting and then brought back to Council – Clark scheduled a safety meeting as referenced in the above section under Safety Committee - Reports
- Old Business – Audit Recommendations
 - Darcy has forwarded information to Carletta and still waiting on her response
- Street Sweeper – reviewed where funds could come from if purchased at \$63,500 – have \$30K banked – Bill to get legal opinion on using a % of State Highway Fund for sweeper and catch basins along highway route – the Mayor stated this is a Fiscal Officer's responsibility, so she suggested that Darcy confer with Nicole and get the legal opinion about the uses for the funds in the State Highway Fund and bring it to the next Finance Meeting as Bill would just be in middleman in this scenario

Next meeting is September 19, 2017 at 5PM in Council Chambers.

Old Business:

New Business:

Ordinance No. 2017-44 – Mayor Foureman read by title only an Ordinance amending Ordinance 2013-22 with regard to the planting of trees in the green space. This is the third reading. A motion was made by Delk to adopt Ordinance No. 2017-44. Clark seconded. All present voted yea. Legislation passed. Ordinance No. 2017-44 will be effective October 12, 2017.

Ordinance No. 2017-46 – Mayor Foureman read by title only an Ordinance prohibiting the keeping of farm animals within the Village of Arcanum. This is the second reading.

Ordinance No. 2017-50 – Mayor Foureman read by title only an Ordinance providing for an amendment to the 2017 appropriations of the Village of Arcanum, Darke County, Ohio, and declaring an emergency. (Police Pension Fund) Not enough members of council were present to waive the three reading rule and declare an emergency. Therefore, this became a first reading.

Ordinance No. 2017-51 – Mayor Foureman read by title only an Ordinance providing for an amendment to the 2017 appropriations of the Village of Arcanum, Darke County, Ohio, and declaring an emergency. (Parks, Pool, & Recreation Levy Fund) Not enough members of council were present to waive the three reading rule and declare an emergency. Therefore, this became a first reading.

Ordinance No. 2017-52 – Mayor Foureman read by title only an Ordinance providing for an amendment to the 2017 appropriations of the Village of Arcanum, Darke County, Ohio, and declaring an emergency. (General & Street Funds) Not enough members of council were present to waive the three reading rule and declare an emergency. Therefore, this became a first reading.

Ordinance No. 2017-53 – Mayor Foureman read by title only an Ordinance providing for an amendment to the 2017 appropriations of the Village of Arcanum, Darke County, Ohio, and declaring an emergency. (General & Street Funds) Not enough members of council were present to waive the three reading rule and declare an emergency. Therefore, this became a first reading.

Resolution No. 2017-32 – Mayor Foureman read by title only a Resolution authorizing the Village Administrator to seek bids for 2018 tree trimming and declaring an emergency. This is the third reading. No action taken. Legislation dies.

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Announcements:

- Bill had asked previously to get an answer from Phil Garbig if the Village could put up some NO PARKING signs along the temporary easement – he has not gotten a response – Nicole did not know about this – she will get an answer from Phil and let Bill know
- Millard asked if the 45 days to get rid of farm animals for someone who already has farm animals needs to be added to Ordinance 2017-46 – Nicole said that it did not – the Mayor would just need to send a letter to those individuals making them aware of the Ordinance and the timeframe they have to adhere to the Ordinance
- Baumle announced that Jason Blackburn from the Business Association reached out to him via email asking for volunteers for committees for Christmas in Arcanum, which will take place on Saturday, December 9th downtown and in Ivester Park. Anyone interested needs to contact Jason Blackburn.

Adjournment: A motion was made by Delk to adjourn. Baumle seconded. Meeting ended at 8:40 PM.

Fiscal Officer, Darcy Woodall
*Transcribed by Darcy Woodall (clerk to Council)

Mayor Judith F. Foureman